

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.250 OF 2019

Tata AIG General Insurance Co. Ltd. ...Appellant
Versus
Smt.Mayuri Mahesh Rane & Ors.Respondents

WITH
FIRST APPEAL NO.251 OF 2019

Tata AIG General Insurance Co. Ltd. ...Appellant
Versus
Smt.Bhagyashree Dhananjay Babardesari
& Ors.Respondents

Mr.Nikhil Mehta i/b KMC Legal Venture, for the Appellants.

Mr.Hemant Ghadigaonkar a/w Ms.Pallabi Chatherjee for the
Respondent Nos.1 to 4 in FA No.250 of 2019 and for the
Respondent Nos.1 to 5 in FA No.251 of 2019.

CORAM : S.G. DIGE, J.

DATE : 23 DECEMBER 2022

JUDGMENT:-

. Both these Appeals are preferred from the Judgment
and order passed by the Motor Accident Claim Tribunal,
Sindhudurg (for short 'The Tribunal') on same issue out of same
accident. Hence I am deciding these Appeals by common
judgment.

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2. The issue involved in these Appeals is in respect of future prospects awarded to the Claimant's when the claim Petition was under Section 163-A of the Motor Vehicles Act, 1988 (for short 'M.V. Act').

3. It is contention of the learned counsel for the Appellant that the Tribunal has awarded future prospects which could not have been awarded, as the Claim Petition's were filed under Section 163-A of the M.V. Act. But this fact is not considered by the Tribunal and awarded exorbitant and excessive compensation. Hence, requested to allow the Appeal's.

4. It is contention of the learned counsel for the Respondent's that the Tribunal has considered all the aspects while awarding compensation, while awarding the future prospects the Tribunal has considered the view taken by the Hon'ble Apex Court in the case of *National Insurance Co. Ltd. V/s. Pranay Sethi & Ors in SLP (Civil) No.25590 of 2014* which is proper.

5. I have heard both the learned counsel. Perused the judgment and order passed by the Tribunal.

6. The issue involved in these Appeal is future prospects granted by the Tribunal, when the Claim Petition's were filed under Section 163-A of the M.V.Act. The Tribunal has awarded

future prospects to the deceased on the basis of the judgment of Hon'ble Apex Court in the case of *Pranay Sethi (Supra)*. It is contention of learned counsel for the Appellants that future prospects cannot be granted under Section 163-A of M.V. Act.

7. The Hon'ble Apex Court in the case of Pranay Sethi has held that the conception of just compensation has to be viewed through the prism of fairness, reasonableness and non violation of principle of equitability. In my view Motor Vehicles Act is beneficial legislation. The compensation is being awarded on the basis of income of deceased, or nature of disability in case of injury claim. Claim Petition can be filed under Section 166 of M.V. Act and under Section 163-A of M.V. Act but while awarding compensation it cannot be differentiated on the basis of sections under which it was filed. So awarding future prospects under Section 163-A of M.V. Act cannot be questioned. The Appeal is devoid of merit and I pass following order.

ORDER

(i) Both the Appeals are dismissed. No order as to cost.

(ii) The Respondent Nos.1 to 4-Original Claimants in First Appeal No.250 of 2019 and Respondent Nos.1 to 5 in First Appeal No.251 of 2019 are

permitted to withdraw deposited amount by the Appellant along with accrued interest thereon.

(iii) Statutory amount deposited by the Appellant be transmitted to the MACT Sindhudurg, Oras the parties are permitted to withdraw the deposited amount along with accrued interest thereon as per rule.

(iv) Pending Civil Applications, if any, disposed of.

(S.G. DIGE, J.)